

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

KENNETH BRISSETTE and
TIMOTHY SULLIVAN

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) Case No. 16-CR-10137-LTS
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DEFENDANTS' JOINT STATUS REPORT

Pursuant to the Court's April 19, 2019 Order, defendants Kenneth Brissette and Timothy Sullivan (collectively, "Defendants") jointly submit this Status Report.

A. Proposed Motion Schedule

There are two motions *in limine* pending before this Court, each of which implicates the question of "wrongfulness" referenced in Part V of the opinion of the Court of Appeals in this matter. The first motion – Defendants' Motion *in Limine* to Exclude Evidence and Argument Concerning Licensing Agreement (dkt # 187) – seeks to exclude evidence and argument concerning Crash Line Productions' desire to obtain a license to use City Hall Plaza beginning in the year 2018.¹ The second motion – Defendants' Motion *in Limine* to Exclude Testimony Regarding the "Legality" of Conditioning City Action on the Use of Union Labor (dkt # 206) – seeks to exclude testimony regarding the "legality" of conditioning city action on the use of union labor.² Both motions raise the legal question of whether it is "wrongful" under the Hobbs

¹ The pleadings concerning this Motion can be found at docket no. 187 (Defendants' Motion), 188 (Defendants' Memorandum in Support), 197 (government's Opposition) and 203 (Defendants' Reply).

² The pleadings concerning this Motion can be found at docket no. 206 (Defendants' Motion), 207 (Defendants' Memorandum in Support), and 217 (Government's Opposition).

Act for a city employee to discuss hiring union employees with individuals seeking to use municipal property for private gain.

Defendants propose that the Court set the following schedule with regard to these two pending motions: supplemental briefs, if any, to be filed no later than May 17, 2019; responses to be filed no later than May 31, 2019; and a hearing to be set on any date thereafter convenient to the Court. Defendants further propose that the Court set the same schedule for any additional motions, requiring that any new motions must be filed no later than May 17, 2019, any oppositions must be filed no later than May 31, 2019, and a hearing on any such motions to be set on any date thereafter convenient to the Court.

B. Proposed Schedule for Remaining Pretrial Matters

When the parties were last before the Court, they had already exchanged final witness and exhibit lists, and filed trial briefs and proposed preliminary jury instructions with the Court. Defendants propose that, consistent with the briefing schedule proposed above, any revisions to those pleadings be filed no later than June 14, 2019.

C. Proposed Trial Date

Defendants propose that the Court set a date for trial in this matter on or after July 15, 2019. This will allow the parties sufficient time to notify third-party witnesses and be fully prepared for trial.

Respectfully submitted,

KENNETH BRISSETTE,
By his attorneys,

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/s/ Sara E. Silva

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